UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,245	06/23/2003	Len Chan	OIC0052US	1154

60975   7590   07/10/2008
CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER
FISHER, PAUL R

ART UNIT	PAPER NUMBER
3689	

MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/602,245	CHAN ET AL.
Office Action Summary	Examiner	Art Unit	
	PAUL R. FISHER	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 June 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3,5-9,11,13-17,19,21-29 and 32</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3,5-9,11,13-17,19,21-29 and 32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>23 June 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is an Office Action Non-Final rejection on the merits.

Amendment filed on June 9 2008 has been received. Claim 30 has been cancelled,

claim 32 has been added, Claims 1, 3, 5-9, 11, 13-17, 19, 21-29, and 32 currently

pending and have been considered below.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 5, 7-8, 13, 15-16, 21 and 23-27 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claim 5, depends on claim 1, claim 13 depends on claim 9, and claim 21

depends on claim 17. Claims 1, 9, and 17 have the limitation of "automatically providing

a real-time price quote for the requested function space based on the set of pricing rules

even when it is determined that the requested function space satisfying one or

more of the plurality of criteria is unavailable". Claims 5, 13, and 21 have a limitation

of "receiving an acceptance of the price quote from the requested function space from a

user and establishing a reservation for the requested function space". How can you

reserve something that is unavailable? Is it a reservation or a place in line such as a

waiting list for people to wait in hopes someone cancels? Merram-Webster defines

reservation as **"an act of reserving something: as an arrangement to have**

something (as a hotel room) held for one's use; *also*: **a promise, guarantee, or**

record of such engagement." http://www.merriam-webster.com. How can you promise

or guarantee someone to use something that is unavailable? Claims 7-8 depend on

claim 5, claims 15-16 depend on claim 13, and claims 23-24 depend on claim 21.

Claims 25-27 state that the request includes a plurality of criteria selected from a

group of criteria consisting of current demand. It is not clear to the Examiner what

applicant means by this. Current demand generally affects that price quote of an

amenity. However, that would not be a criteria received in a request for someone

wanting to make a reservation.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1, 3, 5-9, 11, 13-17, 19 and 21-29 rejected under 35 U.S.C. 103(a) as**

being unpatentable over Bingham et al. (US 2002/0069094) hereafter Bingham, in

view of Patullo et al. (US 2005/0033613) hereafter Patullo.

As per claims 1, 9 and 17, Bingham discloses a method, a machine readable

medium for providing instructions which cause the processor to perform the method

(Page 3, paragraph 0025), and a system (Figures 1, 2a, 2b, and 3) for performing the

method comprising:

Receiving a request (Page 1, paragraph 0008; discloses a reservation request is received from a user) for a function space (resources for meetings) at a digital processing system (Internet based system), the digital processing system containing an availability information for one or more function spaces at a plurality of remote properties (multiple meeting facility resources) and a set of pricing rules for one or more function spaces (Examiner interprets this as rules for determining the price of the space), Bingham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources (paragraph 0029) and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) (paragraph 0033), the request including a plurality of criteria, (paragraph 0008; discloses that the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and paragraph 0029; disclose meeting facility criteria are received (block 404) from the user via a graphical interface), (paragraph 30) a customer profile, a reservation rule, a reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) (paragraph 0038) a meeting facility employee

may adjust room pricing values such as the corporate room rate and resource

availability such as the number or booked or available meeting rooms Figure 4 (404),

(410);

determining an availability of the requested function space based upon the

availability information and one or more of the criterion (Figure 5 (512) Are the Specified

Meeting Facility Resources Available for Reservation?, page 1, paragraph 0008, page

4, paragraph 0033); and

automatically providing a real-time price quote for the requested function space

based upon the set of pricing rules (Paragraph 0033; discloses if sufficient meeting

facility resources are available to cover those desired by the user as described in the

meeting facility criteria then a meeting package definition is generated using the

specified meeting facility resources (block 514), a price for the defined meeting package

is generated based upon the retrieved customer profile (block 516), and the meeting

package definition; Figure 11 Reserve room for more then 7 nights and get 10% off;

Figure 5 (516) Price the Meeting Package Based on the Customer Profile; (Paragraph

0008) the meeting package may be defined or reserved based on various meeting

facility criteria input by the user, real time facility inventory data, or facility reservation

rules; real time (Page 1, paragraph 0008) a customer profile associated with the user

may be used to determine the price of the meeting package or its component resources.

The meeting package may be defined or reserved based on various meeting facility

criteria input by the user, real time facility inventory data, or facility reservation rules.

Figure 5 [516], page 4, paragraph 0033, page 5, paragraph 0038.

Bingham does not explicitly disclose providing a price quote for the request when it is determined that the request is unavailable.

The applicant's specification discloses:

[0012] Embodiments of the invention provide systems and methods to provide an availability and price determination in response to a request for function space. For one embodiment, **a request** for a function space is received at a digital processing system that contains availability information and a set of pricing rules for one or more function spaces. The request includes a plurality of criteria. **An availability of the requested function space is determined based upon the availability information and one or more of the criterion. A price for the requested function space is determined based upon the set of pricing rules and one or more of the criterion.**

[0034] As described, embodiments of the invention ensure that a customer is quickly provided with a determination of availability and a price quote. This increases the likelihood that a reservation will be established. Further, embodiments of the invention help to ensure that all of the numerous and complex pricing rules will be employed to produce an accurate price quote. This helps to ensure that the price quote provided is competitive and Exploits market conditions to increase revenue. **For alternative embodiments, a price quote may be determined even where the requested function space is unavailable**

to establish an optioned reservation. The function space is maintained as

unreserved and if it subsequently becomes available, a reservation is

established.

[0038] For purposes of illustrating an embodiment of the invention, central

reservation DPS 305 may be a central processing system and a database for a

multi-location hotel chain with customers and local sales manages accessing the

reservation management system 306 to obtain availability and pricing information

for function space at one or more individual properties. For example, a customer

could enter the specifics of **a function space reservation request** via a hotel

chain website and receive, in fairly short order, a definitive response in regards to

availability and pricing for the requested function space. This means the

customer no longer has to wait hours or das for a response and is therefore less

likely to inquire of competitors. **Additionally, or alternatively, a sales manager**

at an individual hotel property could enter the specifics of a function space

reservation request and receive a price quote based upon consideration of

a number of complex factors aimed at increasing revenue. This decreases

the likelihood that a sales manager will fail to consider one or more

revenue-increasing pricing factors.

Therefore, the Examiner is interpreting this limitation as simply providing a price

quote without regard to availability.

Patullo discloses direct price quote requests (Figures 4 and 5; discloses that the price quote given does not guarantee or promise availability of the desired suite, it simply gives a price quote based on the users search criteria) even if the request is unavailable on certain dates (paragraphs 0023, 0031 and 0033; disclose that this information is given out before the user is aware if there is availability in their requested room).

Therefore, from this teaching of Patullo, it would have been obvious to one of ordinary skill in the art to incorporate into the reservation system of Bingham the price quotes taught in Patullo so as to provide enhanced convenience for the user by providing the user with pricing package information after entry of the information into the request display. One would be motivated to include this information so that a user can have an idea of what prices are for different amenities and to comparison shop, finding out if they price information is in line with market rates. Often people use price quotes to get an idea how much a particular reservation request is going to cost and use these quotes in making a determination of which facility to commit to for a reservation. Therefore, it would have been obvious to provide a price quote to a user searching for reservation information since in the reservation industry it is common business practice to provide a price quote to a user such as if one calls a hotel to get rates on single rooms, double rooms, luxury suites, rooms with balconies over the ocean, etc.

As per claims 3, 11 and 19, Bingham discloses a method, medium and system wherein the plurality of remote properties are individual hotels of a hotel chain (Figures 11 and 12).

As per claims 5, 13 and 21, Bingham discloses a method, medium and system further comprising: receiving an acceptance of the price for the requested function space from the user; and establishing a reservation for the requested function space (Figure 4 (416), Figure 5 (516), Figure 12 (confirmation number, grand total), page 5, paragraph 0037).

As per claims 6, 14 and 22, Bingham discloses a method, medium and system further comprising receiving a rejection of the price for the requested function space from the user; and providing alternatives to one or more of the plurality of criteria in real-time (Figures 4 and 5, Figure 11 alternatives are presented with different prices).

As per claims 7, 15 and 23, Bingham discloses a method, medium and system wherein establishing a reservation for the requested function space includes allocating a function space of a specified category, the category specified by one or more category related criteria included in the plurality of criteria of the request (Figures 4 and 5, pages 1, paragraph 0008).

As per claims 8, 16 and 24, Bingham discloses a method, medium and system wherein the category related criteria include one or more criterion selected from the group consisting of attendance (Figure 7 (706), event type (customer type Figure 4)(page 4, paragraph 0033), setup styles (Figure 9 (906)(Setup Classroom) and area (Figure 7 (708)(Figures 7-14).

As per claims 25-27, Bingham discloses wherein the criteria includes selected from a group of criteria consisting of date (Figure 4), day-part, (Figure 9), current demand (Figure 11) and supplementary sales [0029][0034] (supplementary sales as

defined by applicant in the specification in paragraph [49]. For example, the price at

which a ballroom for a particular event is rented may be determined by consideration of

many factors, including the profit on supplementary sales, such as food and beverages

served at the event, and the number of guest rooms rented in conjunction with the

Event – Bingham discloses received meeting facility criteria including meeting room and

guest room meeting facility resources. In the alternative embodiment, the received

meeting facility criteria also include desired food and beverage service meeting facility

resources [0029] and a price for the defined meeting package is generated based upon

the retrieved customer profile (block 516) [033], the request including a plurality of

criteria, ([0008] the meeting package may be defined or reserved based on various

meeting facility criteria input by the user, real time facility inventory, or facility

reservation rules), (Figure 4 and [0029] meeting facility criteria are received (block 404)

from the user via a graphical interface), [0030] a customer profile, a reservation rule, a

reservation quota, and a meeting facility inventory are retrieved. Thereafter the retrieved

reservation rule is applied to determine whether the user input meeting facility criteria

satisfy the retrieved reservation rule [0033] a price for the defined meeting package is

generated based upon the retrieved customer profile. In one embodiment, customer

profile includes a customer type designation such as corporate or government which

entitles the designated customer to reduced prices for hotel guest room and other

services (pricing rule corresponding to a criterion) [0038] a meeting facility employee

may adjust room pricing values such as the corporate room rate and resource

availability such as the number or booked or available meeting rooms Figure 4 (404),

(410).

As per claim 28, Bingham discloses dividing one or more spaces into at least

one specific space (meeting room space) and at least one category space (number of

subdivisions in a meeting room space) and concurrently evaluating the at least one

specific space and at least one category space as part of the determining the availability

of the requested function space ([0039] air wall rule is a factor or multiplier which

describes the number of subdivisions a meeting room space can be divided into for

reservation using either physical dividers such as moveable room partitions, booths, etc.

or intangible means such as area or section assignments for each meeting or event; air

wall factor is utilized to determine capacity and availability of meeting room space and

as a reservation rule requiring that a certain number of meeting room subdivisions be

reserved or the reservation of subdivided meeting room space is acceptable). Patullo

teaches a user to specify a room number [0039] (This also is specific space as defined

in applicant's specification).

As per claim 29, Patullo teaches displaying a hierarchical relationship between

said categories and their specific space components ([0033] the user is informed of the

dates when a room category (for multiple categories) are unavailable).

[0065] For one embodiment the graphical representation will display a

hierarchical relationship between categories and their specific space

components. Tying the different types of bookings with the vertical axis, **allows**

the user to see the availability over a given time period for particular

spaces as empty slots in graphical display.

6.   **Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

Bingham, in view of Patullo, further in view of Edward B. Fiske: "Christmas in

Williamsburg" (Dec. 25, 1983) hereafter Fiske.

As per claim 32, the combination of Bingham and Patullo teaches the above-

enclosed invention, but fail to explicitly disclose wherein establishing the reservation for

the requested function space further comprises accepting the reservation when the

requested function space is not available. The examiner is taking this limitation to mean

that when the space is not available the user is put on a waiting list or a list of people to

contact if the space becomes available, based on applicants specification paragraph

[0056].

Fiske, which talks about hotels reserving space in advance, teaches that guests

can be placed on a waiting list so if a desired space becomes available due to another

guest canceling they will be asked to fill the spot (Page 1, paragraph 2, lines 24-28;

disclose that the hotel has reservations made for a particular spot in a hotel made

during a particular and when they are full they keep an active waiting list to help them

ensure the profit they expected and the customers with the space they desired).

Therefore, from this teaching of Fiske, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the reservation

system provided by the combination of Bingham and Patullo, with the use of waiting lists

taught by Fiske, for the purpose of providing flexible customers a chance to get their

desired spot and to also ensure that the business makes the profit they are expecting so there is not lost revenue.

Response to Arguments

7.   Applicant's arguments filed June 9, 2008 have been fully considered but they are not persuasive.

Rejection of Claims under 35 U.S.C. § 112

8.   As per applicant's argument that paragraph [0056] of the applicant's specification spells out the answer to, How can you reserve something that is unavailable? The Examiner respectfully disagrees, as noted above Merram-Webster defines reservation as **"an act of reserving something: as an arrangement to have something (as a hotel room) held for one's use;** *also*: **a promise, guarantee, or record of such engagement."** http://www.merriam-webster.com. It is unclear to the Examiner how something can be promised or guaranteed for use if it is unavailable. The Examiner is interpreting this limitation to be for a waiting list or a list of people that will be contacted if they space becomes available, which seems to be what paragraph [0056] of the applicant's specification is suggesting.

Rejection of Claims under 35 U.S.C. § 103

9.   As per applicant's argument that the cited sections of Bingham and Patullo do not teach or suggest all elements of Applicants' recited Claim 1, specifically that the Examiner has made an error in interpreting the recited limitations "automatically providing a real-time price quote for the requested function space based on the set of

pricing rules even when it is determined that the requested function space satisfying the

one or more of the plurality of criteria is unavailable". The Examiner respectfully

disagrees as currently claimed, Claim 1 recites that "even when it is determined that the

requested function space satisfying the one or more of the plurality of criteria is

unavailable", from this it is taken that the space could be available or unavailable,

Patullo teaches in at least figure 5 that the price quote given is not based on availability

therefore covering both available or unavailable spaces. All the limitations of this claim

are covered since Bingham is providing the criteria selection and Patullo is showing that

a price quote can be given for both available and unavailable spaces. Further the

applicant's argument that "there is an absence from the combination of Bingham with

Patullo of the teaching or suggestion of quote of price without regard to availability

undermines the present Office Action's prima facie case of obviousness by eliminating

from the combination a recited element", the Examiner respectfully disagrees as stated

in the Office Action Figure 5 of Patullo teaches the concept of **Availability Not**

Confirmed, from this it is shown that the limitation of a price quote for both available

and unavailable spaces is met by the Patullo reference in that the quote is given for

both spaces. Further, Bingham discloses that the criteria are submitted in real time

(Page 1, paragraph 0008).

10.   In response to applicant's argument that "The diagram (Figure 8) shows the

unavailability indicated in <u>place of price</u>, thereby <u>teaching away from</u> Applicants' recited

claim limitation and irredeemably undercutting the Final Office Action's assertion of

obviousness", the fact that applicant has recognized another advantage which would

flow naturally from following the suggestion of the prior art cannot be the basis for

patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*,

227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Further figure 8 nor figure 9 of Patullo

were used to teach the limitation of providing a price quote for selected spaces

regardless if it is available or not, Figure 5 was for this reason and Figure 5 displays of

no warning of unavailable rooms. Since the Examiner has used figure 5 to teach this

limitation, the Examiner respectfully disagrees that it teach away from the applicant's

invention and asserts that figure 5 shows the limitation as currently claimed.

11.   All rejections made towards the dependent claims are maintained due to the lack

of a reply by the applicant in regards to distinctly and specifically point out the supposed

errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner

asserts that the applicant only argues that the dependent claims should be allowable

because the independent claims are unobvious and unpatentable over Bingham and in

view of Patullo.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-

5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF
/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689